

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF ALABAMA  
 SOUTHERN DIVISION

98 SEP 24 AM 10:13

U.S. DISTRICT COURT  
N.D. OF ALABAMA

VINCENT MACON,

Plaintiff,

vs.

RANDALL LUCAS, et al.,

Defendants.

CV 97-0632-S

ENTERED

SEP 24 1998

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 25, 1998, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief can be granted. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 24<sup>th</sup> day of Sept., 1998.



J. FOX GUIN, JR.

UNITED STATES DISTRICT JUDGE